



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph Fitzgerald, et al.  
Serial No.: 10/578,091  
Int. Filing Date: 11/24/2004

Confirmation No.: 4743  
Examiner: Unknown  
Group Art Unit: Unknown  
Docket: 200406552-4

Title: SYSTEM AND METHOD FOR MANAGEMENT AND INSTALLATION OF OPERATING SYSTEM IMAGES FOR COMPUTERS

---

**DECLARATION OF EDWARD J. BROOKS, III**

**MS MISSING PARTS**

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

1. I, Edward J. Brooks, III, am a patent attorney representing Joseph Fitzgerald, Edward Kahn, Phil Burgard, and Harry Moeller, in the above-identified original U.S. patent application.
2. I make this Declaration in support of a PETITION UNDER 37 CFR § 1.47(b) on behalf of assignee Hewlett-Packard Co.
3. I have made a diligent effort to reach and obtain Declaration signatures from Edward Kahn, one of the inventors of the invention claimed in the above-identified U.S. patent application. I have been unable to obtain signatures from Mr. Kahn, because he is no longer employed with Novadigm Inc., and has been unresponsive to our efforts to contact him. I enclose copies of three letters dated February 2, 2007, February 15, 2007, and February 27, 2007 that I have sent to his last known address, two of which were sent as certified letters. The letter sent February 15, 2007 was received and signed for by "L. Kahn", but the letter sent February 27, 2007 was returned unopened. Copies of the Domestic Return Receipt postcard and front of the returned envelope are enclosed.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS MISSING PARTS Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on this 29<sup>th</sup> day of March, 2007.

OR

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number \_\_\_\_\_ on \_\_\_\_\_

Name

Alison L. Subendar

Signature

A2L

Respectfully Submitted,  
Joseph Fitzgerald, et al.

By their Representatives,  
Brooks & Cameron, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403  
(612) 236-0120

By:

Edward J. Brooks III

Edward J. Brooks III

Reg. No. 40,925

Date:

3/29/2007